



U.S. Department
of Transportation

**Research and
Special Programs
Administration**

400 Seventh Street, S.W.
Washington, D.C. 20590

JAN 21 1998

Mr. Paul M. Bomgardner
Director, Hazardous Materials Policy
American Trucking Associations
2200 Mill Road
Alexandria, VA 22314-4677

Dear Mr. Bomgardner:

This is in response to your letter of November 24, 1997, requesting confirmation of your opinion that the requirements for duplicate markings on packagings with a gross mass of more than 30 kg (66 pounds) in § 178.3(a)(5) applies to packages manufactured on or after October 1, 1996.

Your opinion is correct. The provisions for duplicate markings of packagings as specified in § 178.3(a)(5) applies to packages manufactured on or after October 1, 1996. Packages manufactured prior to this date are not required to display duplicate markings, although it is permissive to do so.

I hope this information is of assistance to you. If we can be of further assistance, please contact us.

Sincerely,

Delmer F. Billings
Chief, Regulations Development
Office of Hazardous Materials Standards

AMERICAN TRUCKING ASSOCIATIONS



2200 Mill Road • Alexandria, VA 22314-4677

Safety Department
(703) 838-1847
Fax (703) 683-1934

November 25, 1997

Mr. Delmer Billings
Office of Hazardous Materials Standards
Research and Special Programs Administration
U. S. Department of Transportation
400 Seventh Street, SW
Washington, DC 20590

Billings
File: 178.3
501 318, 400

Re: Request for interpretation and clarification

Dear Mr. Billings: *Del*

Section 178.3(a)(5) states: "For packages with a gross mass of more than 30 kg (66 pounds), the markings or a duplicate thereof must appear on the top or on a side of the packaging." This requirement was published in the Federal Register as part of the final rule, Docket HM-215A, dated December 29, 1994. Compliance was authorized as of January 1, 1995, with an effective date of October 1, 1995. Additionally, Research and Special Programs Administration (RSPA) authorized in § 171.14 a delay in the compliance date until October 1, 1996, in order to provide "a sufficient phase-in period to implement new provisions and deplete current stocks of shipping papers, labels, and placards, and containers affected by the new requirements." (FR. December 29, 1994, Volume 59, Number 249, [emphasis added])

Based on this information, the American Trucking Associations (ATA) believes that the duplicate marking requirement in § 178.3(a)(5) applies only to packagings manufactured and certified on or after October 1, 1996. However, several motor carriers have encountered enforcement personnel who believe that this requirement is applicable to all performance oriented packagings. This is creating problems between motor carriers and their customers because they are refusing to accept shipments which contain packages without duplicate markings, although the packagings were manufactured prior to October 1, 1996 and are in compliance.

ATA is seeking confirmation of our belief that the requirement for duplicate markings applies only to packagings manufactured on or after October 1, 1996. An expedient response to this letter is requested in order to quell shipper - carrier tensions regarding this matter. Thank you for your consideration in this matter, and if you should have any questions, please contact the undersigned at: 703-838-1849 (Phone) or 703-683-1934 (Fax).

Sincerely

Paul M. Bomgardner
Paul M. Bomgardner

Director, Hazardous Materials Policy